

Minutes of the BOXFORD CONSERVATION COMMISSION
Virtual Attendance Pursuant to Chapter 20 of the Acts of 2021
July 1, 2021 7:00 PM

Present: Peter Delaney, David Smallman, Frank Di Luna, Alan Fowler, Natasha Grigg

Absent: Mark Mitsch, Kerri Lummus

Others Present: Conservation Agent Ross Povenmire, Minutes Secretary Judi Stickney, Richard Lombardo, David Jaquith, John Paulson, Stewart Lytle, Dan Johnson, Kristan Farr, Greg Kokorda, Timothy McManus, Douglas Hauser, Bill Tagerman, Lance Cluster/BCATv, and others

7:00 PM With a quorum present, Chair Peter Delaney called the meeting to order.

NOI 114-1326 : 63 Pye Brook Lane, 30-1-34, Miller

Supporting Docs:

- **Notice of Public Hearing:** *Notice of Intent by applicant Robert Miller for the property located at 63 Pye Brook Lane, Map 30, Block 1, Lot 34; to install a pump chamber and associated conduit, and conduct grading associated with a septic system upgrade within 100-feet of Bordering Vegetated Wetland.*
- **Drawings Submitted:**
 - *SUBSURFACE SEWAGE DISPOSAL SYSTEM, 63 Pye Brook Lane, Boxford (Map 30, Lot 34), Drawn by Daniel B Johnson for Robert Miller, 63 Pye Brook Lane, Boxford, Prepared by DOMESTIC SEPTIC DESIGN , INC., P .O. Box 2406, S, Hamilton MA: Dwg : J-2699, Dated :5/18/21*
- **WPA Form 3 – Notice of Intent**

The Conservation Director read aloud the Notice of Public Hearing to open the hearing. Dan Johnson, representing the applicant, advised the Conservation Commission that Bill Manuel had flagged the wetlands. The Conservation Director provided plans and drawings for the Commissioners to view as Johnson provided details on the septic system upgrade. After a brief discussion, the Chair requested that the Commission make a site walk on the property, as there were questions on trees to be removed, and the proposed grading. The Commission agreed on Tuesday, July 13th at 6PM. Chair Delaney requested that the hay bales be in place on the plans, so they can sign off at the next meeting.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1326 : 63 Pye Brook Lane, 30-1-34, Miller, to July 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Peter Delaney):

<i>David Smallman:</i>	<i>Yes</i>
<i>Alan Fowler:</i>	<i>Yes</i>
<i>Natasha Grigg:</i>	<i>Yes</i>
<i>Frank Di Luna:</i>	<i>Yes</i>
<i>Peter Delaney:</i>	<i>Yes</i>

NOI 114-1327: 29 Holmes Road, 40-1-42, Smith
Supporting Docs

- **NOTICE OF PUBLIC HEARING:** *Notice of Intent by applicant Andrew Smith, for the property located at: 29 Holmes Road, Map 40, Block 1, Lot 42, to replace existing decks on three sides of an existing house with re-designed decks within 100-feet of Bordering Vegetated Wetland.*
- **Letter and Supporting Documents:** *From Hancock Associates to Conservation Commission, Re: 29 Holmes Road Notice of Intent, 6/17/21:*
 - *WPA Form 3*
 - *Figures*
 - *Abutter Information*
 - *Filing Fees*
 - *Site Plan of Land*

The Conservation Director read aloud the Notice of Public Hearing to open the hearing to replace existing decks on a house within 100 feet of a Bordering Vegetated Wetland.

Kristin Farr, Hancock Associates, representing the applicant, met with the Conservation Commission with a Notice of Intent to replace three existing decks within 100 feet of a bordering vegetated wetland. Farr provided details on the project, as the Director provided plans for the Commissioners to view. After a very brief discussion, the Commissioners scheduled a site walk for July 13th at 6:30PM.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1327: 29 Holmes Road, 40-1-42, Smith, to July 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Peter Delaney):

<i>David Smallman:</i>	<i>Yes</i>
<i>Alan Fowler:</i>	<i>Yes</i>
<i>Natasha Grigg:</i>	<i>Yes</i>
<i>Frank Di Luna:</i>	<i>Yes</i>
<i>Peter Delaney:</i>	<i>Yes</i>

Kristin Farr, who was also representing Frangos, wanted to double-check on the ORAD for that property, which is valid until July 22nd. The Director advised Farr that if she wants to apply for an extension, she can be on the next meeting's agenda. Farr will file for an extension.

NOI 114- : 16 Mill Road, 32-2-5, King
Supporting Docs

- **Notice of Public Hearing:** *Notice of Intent by applicant, Steve King, for the property located at: 16 Mill Road, Map 32, Block 1, Lot 5, to construct a barn addition to an existing house within 100-feet of Bordering Vegetated Wetland.*
- **Letter and Supporting Documents:** *From Graham Associates, Inc. to Conservation Commission, Re: Steve King, applicant, Notice of Intent, 16 Mill Road, Boxford, Mass., H.L. Graham Associates Project No. 06-639, 6/17/21:*
 - *Boxford Conservation Commission Application Check List: Notice of Intent*
 - *WPA Form 3 – Notice of Intent*

- *Wetland Fee Transmittal Form*
- *Town of Boxford Abutter List: 16 Mill Road*

The Director read aloud the Notice of Public Hearing to open the hearing. David Jaquith, the architect, met with the Conservation Commission with a Notice of Intent to construct a barn addition to an existing house within 100-feet of Bordering Vegetated Wetland. After a brief discussion, the Conservation Commission decided that they would schedule a site visit on July 13th, at 7PM, and the applicant requested to continue the hearing to July 15th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by Grigg, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114- : 16 Mill Road, 32-2-5, King, to July 15th with a site walk to occur on July 13th at 7PM, under the Act and the Bylaw.

Roll Call (Called by Chair Peter Delaney):

<i>David Smallman:</i>	Yes
<i>Alan Fowler:</i>	Yes
<i>Natasha Grigg:</i>	Yes
<i>Frank Di Luna:</i>	Yes
<i>Peter Delaney:</i>	Yes

**Continued NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna
Supporting Docs**

- **Notice of Public Hearing:** *Notice of Intent by Applicants Richard & Kathy Penna, for the property located at: 32 Partridge Lane, Map 28, Block 1, Lot 16.2 to install a driveway to a barn within 100-feet of Bordering Vegetated Wetland.*
- **NOI Package:**
- **The Application with Associated Forms and Documents:**
 - *A copy of the Wetland Fee Transmittal Form.*
 - *Area Locus Map showing the site area.*
 - *Other assorted documents and maps.*
 - *A Permit Plan by Atlantic Engineering dated May 5, 2021*
 - *Checks as required under the Wetland Protection Act and under the Local Bylaw.*
 - *A certified abutter list from the Boxford Assessor's office.*
- **Conservation Permit Plan:** *Prepared by Atlantic Engineering and Survey Consultants, for Kathy & Richard Penna, stamped by John B. Paulson, dated 5/5/21*

John Paulson, representing the applicant, met with the Conservation Commission with a Notice of Intent to install a driveway to a barn within 100 feet of a Bordering Vegetated Wetland. Paulson provided drawings for the Commissioners to view as he described the changes they've made to avoid cutting trees. After a brief discussion, the Chair asked Paulson to include the changes discussed at tonight's meeting on the plans so they can review them at the next meeting. Paulson requested to continue the hearing to July 15th.

At the request of the applicant, and on a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1324: 32 Partridge Lane, 28-1-16.2, Penna, to July 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
Peter Delaney: Yes

Continued NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo
Supporting Docs

- **3 Photos**

Mr. Lombardo met with the Conservation Commission with revised plans since the last meeting, showing the erosion controls. After a brief discussion, Lombardo will have the plans revised again, based on the Chair's requests to show the haybale line. He requested to continue the hearing to July 15th.

At the request of the applicant, and on a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1322: 181 Topsfield Road, 38-1-25, Lombardo, to July 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
Peter Delaney: Yes

Continued NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc.

Supporting Docs

- <https://www.town.boxford.ma.us/conservation-commission/pages/willows-box...>

**** Commissioner Frank Di Luna recused himself from this discussion and vote ****

The Conservation Director advised the Commission that he received a written request to continue this hearing, as well as the next discussion on the Conservation Restriction to July 15th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1313: Willow Road, 6-2-2.2, Toll Bros., Inc., and the discussion on the Conservation Restriction for Willow Road to July 15th.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes

Natasha Grigg:	Yes
Frank Di Luna:	Recused
Peter Delaney:	Yes

Continued Discussion of Conservation Restriction: Willow Road, 6-2-2.2, Toll Bros., Inc.:
This was included in the discussion and vote above.

Continued SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, Stephen Clifford for the Town of Boxford
Supporting Docs

- <https://www.town.boxford.ma.us/conservation-commission/pages/center-10-elm>

The Conservation Director advised the Commission that he received a written request to continue this hearing to July 15th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for SWMP 2021-2: Harry Lee Cole School at 28 Middleton Road, 32-1-21, to July 15th, under the Act and the Bylaw. .

Roll Call (Called by Chair Peter Delaney):

David Smallman:	Yes
Alan Fowler:	Yes
Natasha Grigg:	Yes
Frank Di Luna:	Yes
Peter Delaney:	Yes

Continued NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford
Supporting Docs

- <https://www.town.boxford.ma.us/conservation-commission/pages/spofford-po...>

The Conservation Director advised the Commission that he received a written request to continue this hearing to July 15th.

At the request of the applicant and on a **MOTION** made by **Smallman**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to continue the hearing for NOI 114-1319: Spofford Pond School at 31 Spofford Road, 15-1-4, Stephen Clifford for the Town of Boxford, to July 15th, under the Act and the Bylaw.

Roll Call (Called by Chair Peter Delaney):

David Smallman:	Yes
Alan Fowler:	Yes
Natasha Grigg:	Yes
Frank Di Luna:	Yes
Peter Delaney:	Yes

8:05 PM PENDING ACTION ITEMS:
COC SWMP 2020-1: 41 Kelsey Road, McManus:

**** Commissioner Frank Di Luna recused himself from this discussion and vote ****

The Conservation Director provided photos of the property and advised that the area has grown in fairly well and he is not concerned about erosion, adding that he feels it is sufficiently compliant. He recommended the issuance of the Certificate of Compliance. Douglas Hausler, attorney for the property owner, advised he was there to request that the Certificate of Compliance be issued for the property. Bill Tagerman advised that the watering has been going on for about 2 hours a day. They were led to believe that there may need to be more planting, so they didn't fertilize until the silt fence was removed. He wanted to know who is responsible for removing the silt fence. After a brief discussion, the Commission requested that the siltation barriers be removed by August 15th. After a brief discussion, the Commissioners took the following action:

On a **MOTION** made by **Grigg**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to execute and issue the Certificate of Compliance for SWMP 2020-1: 41 Kelsey Road, McManus, and to request that the siltation barriers be removed by August 15th, under the Bylaw.

Roll Call (Called by Chair Peter Delaney):

David Smallman:	Yes
Alan Fowler:	Yes
Natasha Grigg:	Yes
Frank Di Luna:	Recused
Peter Delaney:	Yes

Discussion: Unauthorized Tree Work, 46 Baldpate Road, Guerrero: The Conservation Director advised that the Guererras and the tree company were requested to attend this meeting, but they were not present on the call. Director Povenmire advised he was notified of tree work at Guererras, and, upon a site visit, he stopped the tree work, with the exception of two trees that were a clear hazard. Povenmire suggested that an enforcement action of some kind is in order. The Chair suggested that a letter be sent to the tree company, as well. Commissioner Di Luna suggested that the Enforcement Order be sent to the tree company and the homeowner. Commissioner Grigg added that the tree company is commissioned by the Town of Boxford to cut trees for the Town, suggesting that they should have known better. The Director will prepare the Enforcement Order.

Administrative Tree Permits for Ratification:

• **David Tyler, 49 Baldpate Road, one rotten white pine tree:**

The Director provided photos for the Commissioners to view, as he described the dead white pine for which he issued an Administrative Tree Permit. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to ratify the Administrative Permit for Tyler, 49 Baldpate Road, for the removal of one white pine tree, under the Bylaw.

Roll Call (Called by Chair Peter Delaney):

David Smallman:	Yes
Alan Fowler:	Yes
Natasha Grigg:	Yes

Frank Di Luna: Yes
Peter Delaney: Yes

8:30 PM ROUTINES:

- **Minutes Review/Approval:**
 - **June 3, 2021**
 - **June 17, 2021**

After a very brief discussion, the Commission took the following action:

On a **MOTION** made by **Di Luna**, second by **Grigg**, the Conservation Commission **VOTED** unanimously by roll call vote to approve the minutes of June 3rd, 2021 and June 17th, 2021, as submitted.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
Peter Delaney: Yes

- **Pay Bills:**

- **Rioux Associates: Stormwater Management Plan at 10 Elm: \$10,307.50:**

Director Povenmire advised that the previously approved amount was for \$9,000, but he felt that the \$1,307.50 overage is money well spent, considering the work they did and the additional scope. The Town Accountant advised it would come out of the 10 Elm Street account. After a brief discussion, the Commissioners agreed and took the following action:

On a **MOTION** made by **Grigg**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the expenditure of \$10,307.50 from Rioux Associates to be sent to the Town Finance Director to be paid out of the 10 Elm Street Fund.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
Peter Delaney: Yes

- **MACC Dues: FY220039: \$777.00:**

Director Povenmire provided an invoice from MACC for annual dues in the amount of \$777.00. After a brief discussion, the Commission took the following action:

On a **MOTION** made by **Grigg**, second by **Di Luna**, the Conservation Commission **VOTED** unanimously by roll call vote to authorize the expenditure of \$777.00 for the MACC annual dues, invoice FY220039.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
Peter Delaney: Yes

8:47 PM ADJOURN

With no further business, on a **MOTION** made by **Grigg**, second by **Fowler**, the Conservation Commission **VOTED** unanimously by roll call vote to adjourn at 8:47 PM.

Roll Call (Called by Chair Peter Delaney):

David Smallman: Yes
Alan Fowler: Yes
Natasha Grigg: Yes
Frank Di Luna: Yes
Peter Delaney: Yes

Respectfully submitted,



Judith A. Stickney
Minutes Secretary